

REMARKS

Claims 1, 6, 17 and 22 have been amended. No claims have been added or cancelled. Claims 1-32 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 103(a) Rejection:

The Examiner rejected claims 1-32 under 35 U.S.C. § 103(a) as being unpatentable over Fahmi et al. (U.S. Patent 6,108,303) (hereinafter “Fahmi”) in view of Pasternak et al. (U.S. Patent 6,157,614) (hereinafter “Pasternak”). Applicants respectfully traverse this rejection for at least the reasons presented below.

Regarding amended claim 1, Fahmi in view of Pasternak fails to teach or suggest a memory configured to store operations and maintenance data indicating connection availability information for each of a plurality of communication channels. Fahmi teaches a method for controlling ATM traffic to avoid congestion and false identification of conforming and non-conforming cells. Fahmi teaches that compliance of an arriving cell is based on a traffic contract agreed upon between a user and the network and a theoretical arrival time (Fahmi -- Abstract; column 2, line 66 – column 3, line 8). Pasternak teaches a method for high quality of service scheduling in a wireless ATM network using request and grants for each virtual channel of the ATM network. The Examiner admits (regarding claim 6) that Fahmi fails to teach or suggest a memory configured to store operations and maintenance data indicating connection availability information for each communication channel and relies upon Pasternak. The Examiner cites column 3, lines 33-47 and column 14, lines 30-39 of Pasternak.

However, Pasternak, whether considered singly or in combination with Fahmi, fails to teach or suggest a memory configured to store operations and maintenance data indicating connection availability information for each communication channel. Instead, Pasternak, at the Examiner cited passages, teaches only that the ATM traffic may

“include extra cells for operation and management (OAM)” and that these cells “are intercepted by the cell switch … and transferred to AAL5 SAR” (Pasternak, column 3, lines 33-47 and column 14, lines 30-39). Thus, Pasternak teaches only that his cell switch intercepts and directs operations and maintenance (OAM) cells in a particular manner. Pasternak does not mention anything regarding any data *indicating connection availability information* for each of a plurality of communication channels. Intercepting and directing OAM cell on an ATM network is very different from, and does not teach or suggest, storing operations and maintenance data *indicating connection availability information for each of a plurality of communication channels*. Nowhere does Pasternak mention a memory configured to store operations and maintenance data *indicating connection availability information* for each of a plurality of communication channels.

Thus, Fahmi and Pasternak, whether considered singly or in combination, fail to teach or suggest a memory configured to store operations and maintenance data indicating connection availability information for each of a plurality of communication channels. Therefore, for at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claim 17.

Regarding claim 6, Fahmi in view of Pasternak fails to teach or suggest a cell processing unit configured to perform a scanning function to scan the operations and maintenance data for the plurality of communications channels at least once per rollover phase of the timer value. The Examiner admits that Fahmi fails to teach this limitation of claim 6 and relies upon Pasternak, citing column 15, lines 26-39 and referring to Pasternak’s teachings regarding examining OAM cells. However, the cited passage does not mention scanning, at least one per rollover phase of the timer value, operations and maintenance data that indicates connection availability information for the plurality of communications channels. Instead, Pasternak teaches merely that OAM cells of constant bit rate (CBR) flow may receive special treatment, such as being stored in an OAM special buffer. Pasternak also teaches that a request may be generated and placed in the request queue for an OAM cell. Thus, Pasternak is teaching how OAM cells in the

ATM network flow may be processed. Pasternak fails to mention, either at the Examiner's cited passage or elsewhere, performing a scanning function to scan the operations and maintenance data (indicating connection availability information) for the plurality of communication channels at least once per rollover phase of the timer value. Pasternak includes absolutely no teaching regarding scanning OAM data at least once per rollover phase of the timer value.

Additionally, Fahmi in view of Pasternak also fails to teach or suggest that the cell processing unit is configured to access the memory to perform the update of the rollover data for each communication channel as part of the scanning function. The Examiner cites column 4, line 53 – column 5, line 4 of Pasternak, admitting that Fahmi fails to teach performing the update of the rollover data for each communication channel as part of the scanning function. However, Pasternak does not teach or suggest, either at the Examiner's cited passage or elsewhere, anything regarding updating the rollover data for each communication channel as part of a scanning function to scan OAM data for the communication channels at least once per rollover phase of the time value. Instead, Pasternak teaches a refresh mechanism “in which all VBR [variable bit rate] traffic records are scanned periodically, and a time mark is stamped by setting a first bit.” If the first bit has not been cleared before a second scan, “a second bit is set.” Pasternak also teaches that for every request, a scheduler checks these first and second bits in the traffic record and sets the next compliant time (NCT) to the current time and clears the first and second bits. Pasternak fails to mention updating rollover data for each communication channel as part of the scanning function that scans OAM data (that indicates connection availability information) for the plurality of communications channels at least once per rollover phase of the timer.

The Examiner's cited passage only describes *periodically* scanning all variable bit rate (VBR) traffic records and updating the next compliant time (NCT) to the current time if the traffic records were scanned twice before the next request is processed by the scheduler. Updating a next compliant time based upon periodic scanning of VBR traffic records does not teach, suggest, or having anything to do with, updating rollover data for

each communication channel as part of scanning OAM data indicating connection availability information for the plurality of channels at least one per rollover phase of the time value.

Thus, the Examiner combination of Fahmi and Pasternak fails to teach or suggest a cell processing unit configured to perform a scanning function to scan the operations and maintenance data for the plurality of communication channels at least once per rollover phase of the time value and to update the rollover data for each communication channel as part of the scanning function.

Therefore, the rejection of claim 6 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claim 22.

Regarding claim 7, Fahmi in view of Pasternak fails to teach or suggest a cell processing unit configured to perform the scanning function more frequently than once per roll over phase of the timer value. The Examiner cites column 4, lines 61-67 of Pasternak. However, as noted above regarding the rejection of claim 6, Pasternak fails to mention anything about scanning operations and maintenance data for the plurality of communication channels. Additionally, the cited passage does not teach or suggest performing such a scanning function *more frequently* than once per roll over phase of the timer value. Instead, the cited passage describes scanning VBR traffic records periodically and setting a single bit during each scan. If the traffic records have been scanned twice before the next request is scheduled by Pasternak's scheduler, the next compliant time (NCT) is set to the current time. Firstly, as noted above regarding claim 6, Pasternak fails to teach the scanning function of Applicants' claims. Secondly, the scanning of VBR traffic records relied upon by the Examiner are only scanned *periodically* by Pasternak and Pasternak fails to teach that the periodic scanning of VBR traffic records may occur more frequently than once per roll over phase of the timer value. Thus, when considering the true teachings of the references, the Examiner can only be improperly speculating in hindsight that Pasternak's periodic scanning might occur more frequently than once per roll over phase of the timer value. However,

mentioning only that the VBR traffic records may occur periodically does not teach or suggest the specific limitation of performing the scanning function more frequently than once per roll over phase of the timer value, as recited in Applicants' claims.

Fahmi is not relied upon by the Examiner nor does Fahmi teach or suggest anything regarding a cell processing unit configured to perform the scanning function more frequently than once per roll over phase of the timer value. Furthermore, there is nothing about the Examiner's combination of Fahmi and Pasternak that teaches or suggests a cell processing unit configured to perform the scanning function more frequently than once per roll over phase of the timer value. Therefore, Fahmi and Pasternak, whether considered singly or in combination, fail to teach or suggest a cell processing unit configured to perform the scanning function more frequently than once per roll over phase of the timer value.

For at least the reasons above, the rejection of claim 7 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claim 23.

Applicants also assert that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5694-00200/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Other:

Respectfully submitted,



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